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EXAMINER	
KARIMI, PEGEMAN	
ART UNIT	PAPER NUMBER
2629	

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03/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,676	SKAUG, TERJE	
	Examiner	Art Unit	
	PEGEMAN KARIMI	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 10-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 10-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 01/14/2010 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita (U.S. Patent No. 6,909,906) in view of Steele (U.S Patent No. 6,201,534), and further in view of Lee (U.S. Pub. No. 2003/0016417).

As to claim 1, Miyashita teaches an apparatus (100, which is a device for communication), comprising:

an already existing electronic communication or player device having a screen display (the existing electronic communication or player communication or player device has a display screen 101), and

one or more pointing device components integrated into the already existing electronic communication or player device (the pointing device 105 is added to the existing electronic communication or player device 100),

wherein said one or more pointing device components are configured to give the already existing electronic communication or player device, in addition to its main

functions (the already existing electronic communication or player devices main function is a mobile telephone, col. 5 lines 2-7),

an auxiliary function as a pointing device (the auxiliary function is the mouse functionality of 105, col. 5, lines 8-11),

Miyashita does not mention the already existing electronic communication or player device to act together with an external electronic communication or player screen device and an auxiliary function as a pointing device with respect to the external electronic screen display device. Steele teaches the already existing electronic communication or player device (400a) to act together with an external electronic communication or player screen device (416a), (col. 6, lines 48-49) and wherein the external electronic communication or player screen device is other than the screen display of the already existing electronic communication or player device. (the screen 101 on Miyashita's is different than the screen 416a in Steele because one is attached to the already existing electronic communication or player device and the other is not attached to the already existing electronic communication or player device and is considered an external display screen).

Steele also teaches an auxiliary function as a pointing device with respect to an external electronic screen display device (the electronic device functions as a remote control and also functions as a pointing device with respect to an external electronic screen display device 416a as can be seen in fig. 6A)

Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have added the remote control system 400a of Steele to

the telephone set main body of Miyashita which will result in a useful and tangible result, wherein the user can use the same device for multiple usage such as a telephone and a cursor positioning device to select an item on the view screen.

Miyashita and Steele do not mention the pointing device being configured to operate independent of a functionality of the existing electronic communication or player device.

Lee teaches the pointing device (laser pointer) being configured to operate independent of a functionality of the existing electronic communication or player device (mouse, wherein the casing 2 is considered a generic optical mouse [0031], lines 2-3), (the laser guiding device can fit on an end face of the device wherein the ON/OFF is controlled by a push button switch, wherein the functionality of the laser is separate from the functionality of the mouse ([0014]). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have added the laser guided device separate from the functionality of the mouse of Lee to the apparatus of Miyashita as modified by Steele because to provide a wireless pointing and remote controlling device for briefing, which may cooperate with a conventional laser-guiding device for aiding a briefing operation ([0009]).

As to claim 2, Miyashita does not mention an optical or radio transmission connection with the external electronic communication or player device. Steele teaches the already existing electronic communication or player device (400a) comprises optical or radio transmission means configured to establish a wireless connection with the

external electronic screen display device or player screen device (col. 6, lines 53-56), (the remote control and external screen are connected with an infrared signal).

As to claim 3, Steele teaches the one or more pointing device (there is one element, 400a) components comprise at least one of the following components:

a mechanical or optical reader, a button element and a scroll wheel (108a and 106a).

As to claim 4, Miyashita teaches the one or more pointing device components (109, 107, and 108) are integrated in an auxiliary unit (105), said auxiliary unit is releasably mounted to the already existing electronic communication or player device (as can be seen in Fig. 2 the auxiliary unit is releasable from the already existing electronic communication or player device 100 by portions 125 and 126, col. 7, lines 5-9) in such a manner that the auxiliary unit can be released and act as a-the pointing device separately from the already existing electronic communication or player device (as can be seen in Fig. 2 the auxiliary unit 105 is separated from the already existing electronic communication or player device 100 and is used as a mouse).

As to claim 5, Steele teaches the auxiliary unit further comprises optical or radio transmission means (infrared connection), said optical or radio transmission means is configured to establish a wireless connection with the external electronic screen display device (col. 6, lines 53-56), (the remote control and external screen are connected with an infrared signal).

As to claim 6, Miyashita teaches the auxiliary unit is a battery pack of the already existing electronic communication or player device (col. 6, lines 9-12).

As to claim 10, Miyashita teaches the already existing electronic communication or player device (100) is one of the following devices: a mobile telephone, a personal data assistant, a digital audio player and a minidisk player (device 100 is a mobile telephone).

As to claim 11, Steele teaches the one or more pointing device (400a) components comprise at least one of the following components:

a mechanical or optical reader, a button element and a scroll wheel (108a and 106a).

As to claim 12, Miyashita teaches the one or more pointing device components (109, 108, and 107) are configured in a body of the already existing electronic communication or player device (the components 107-109 are configured in the already existing electronic communication or player device 100 via 105) in such a manner that the body is suitable for contact with a user's palm (It can be seen in Fig. 1 that the mobile telephone device is used by a user and requires a user to use the telephone with his/her hand).

As to claim 13, Miyashita teaches the one or more pointing device components (107-109) are configured to perform functionality of a mouse unit (col. 6, lines 8-11).

As to claim 14, Miyashita teaches the one or more pointing device components (107-109) are configured in a body of the already existing electronic communication or player device (the components are configured in the already existing electronic communication or player device 100 via 105) in such a manner that the body appears to a user like a body of a mouse unit (the body 105 configured in the already existing electronic communication or player device 100 is a mouse having left and right buttons 107 and 108 and rotary wheel 109).

Response to Arguments

4. Applicant's arguments filed 01/14/2010 have been fully considered but they are not persuasive.

Applicant argues that the cited references fail to disclose or suggest all of the limitations recited in claim 1. Examiner would like to point out that the newly added limitations are taught by the previously presented prior references.

Applicant argues that the cited references, alone or in combination, at least fail to disclose or suggest that one or more pointing device components are configured. Examiner would like to point out that the pointing device(s) are either one component or more than one component. For example the device of Miyashita has at least one component 105 as a pointing device. Miyashita does not teach the pointing device uses

an external electronic display screen, however the reference of Steele teaches the pointing device uses an external electronic display screen. Therefore by combining the two references of Miyashita and Steele one skilled in the art could arrive at the applicants claimed invention.

Examiner would like to point out that the limitation of enabling the already existing electronic communication or player device to act together with the external electronic screen display device is broad and could mean the user can move a laser pointer on the screen of an external electronic display screen and point to the elements of the screen similar to pointing a laser pointer on a wall or a non-electronic screen.

Applicant argues that Steele fails to disclose or suggest that an already existing electronic communication or player device acts together with an external electronic screen display device, where the external electronic screen display device is other than the screen display of the already existing electronic communication or player device.

Examiner respectfully disagrees because the screen 416a is an external display screen and the cursor is being controlled by the device 400a.

Applicant further argues that the video monitor 416a of Steele cannot be an external display of the already existing electronic communication or player device, since the remote controller does not include a display screen of its own.

Examiner respectfully disagrees with the applicant's statement because display screen 416a is located outside of the device 400a therefore it is considered an external display screen. Device 400a does not have a display screen, however, device of 400a controls the external display screen 416a.

Device 400a can replace element 105 or simply added to device 102 wherein device 102 works as a mobile phone and device 400a functions as a pointing device for an external electronic display device.

Applicant argues that Miyashita and Steele do not mention that the pointing device is configured to operate independently of a functionality of the existing electronic communication or player device. The functionality of element 102 of Miyashita and element 400a of Steele have independent functionalities wherein one works as a mobile phone and one works as a pointing device for an external electronic display screen. By combining these two devices each element still has independent functionality but to better teach this combination the prior art reference of Lee has been added.

A person skilled in the art would arrive at the applicants claimed invention wherein by combining the device of Miyashita and Steele the user can use the phone and at the same time use the remote control system of Steele wherein the user can move the cursor on the external electronic display screen 416a by moving the cursor pointing device 108a.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tiphane (U.S. Patent No. 7,061,468) teaches a Hybrid presentation controller and computer input device.

Inquiry

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PEGEMAN KARIMI whose telephone number is (571)270-1712. The examiner can normally be reached on Monday-Thursday 9:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pegeman Karimi/
Examiner, Art Unit 2629
March 18, 2010

/Chanh Nguyen/
Supervisory Patent Examiner, Art Unit 2629